

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

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FRIDAY, THE TWENTYSECOND DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No.16006 OF 2005

Between:

M.Neelamma ... Petitioner

Versus

The Commissioner,

Municipal Corporation of Hyderabad & Anr. ... Respondents

Counsel for the Petitioner : Mr. P.JAGADISH CHANDRAPRASAD

Counsel for the Respondent: GOVT.PLEADER FOR REVENUE

ORDER:

Questioning the action of the respondents in not receiving and not considering the building application of the petitioner dated 17-6-2005 for approval of residential building plan in house plot bearing M.No.1-7-138/1/B, admeasuring 305 sq.yards situate at Zamistanpur, Hyderabad on the ground that her application is not accompanied by no objection certificate issued by the Revenue authorities, this writ petition is filed seeking mandamus to direct the respondents to receive and process

the application of the petitioner without insisting no objection certificate from the Revenue authorities.

The case of the petitioner is that one Mrs.M.Vijayalakshmi, who is the absolute owner and possessor of the house bearing No.1-7-138/1/B admeasuring 305 sq.yards situate at Zamistanpur, Hyderabad, for the last 45 years have executed a registered settlement deed dated 23-9-2004 in favour of the petitioner. Under the settlement deed dated 23-9-2004, she got the said property and paying necessary property taxes from time to time to the concerned authorities.

The petitioner submits that with a view to construct new residential building by demolishing the existing rooms, she had submitted building plan to the respondents on 17-6-2005 for approval and sanction of the plan. The respondents neither received nor accepted the same but the officials of the second respondent stated that her building application is not accompanied with no objection certificate issued by the Revenue authorities. She further submitted that she had also insisted for calculation of the amount to be paid towards building application fee on her application but the officials of the respondents neither calculated the same nor issued a challan for payment of the amount.

Considering the facts and facts of the case, I deem it appropriate to dispose of the writ petition at the admission stage, directing the respondents to follow the judgment of this court in **HYDERABAD POTTERIES PVT.LTD. V/s. COLLECTOR, HYDERABAD DISTRICT & ANOTHER.**, and receive the building application of the petitioner dated 17-6-2005 and approve the building plan of her proposed construction of house in the existing

rooms in the house plot bearing M.No.1-7-138/1/B, admeasuring 305 sq.yards
situate at Zamistanpur, Hyderabad and pass appropriate order on merits and in
accordance with law, within two weeks from the date of receipt of a copy of the order,
after giving reasonable opportunity of hearing the petitioner.

With the above direction, the writ petition is disposed of at the admission stage. No
costs.

JULY 27th, 2005. -----

I s L. ELIPE DHARMA RAO , J.